

OKOSUN STEPHANIE IMUETIYANOSA

16/LAW01/166

LAND LAW TEST

15<sup>TH</sup> MAY, 2020.

ANSWER.

The legal issue in this context is if the governors act of demolishing the tarzans hotel was unconstitutional. In answering that, yes it was unconstitutional.

Section 28 of the act states that a right of occupancy maybe revoked by the governor for overriding intrest. This means that normally the governor has a right to revoke right of occupancy if the owner breaches any of the laws stated in the land use act. In regards to this question, the governor gave an executive order for all buisnesses to close down due to the recent covid 19 pandemic in the county. In this case the governor was wrong for demolishing tarzan hotel on the grounds that the his executive order is inconsistent wuith the quarantine law. And the quarantine law states that anybody who opens for business should be punished with fines or imprisonment. Also before a governor can revoke right of occupancy, all requiremets for revocation must be met under s28 of the act. Besides an exclusive order does not override the land use act. Note also that even if it was within his rights to demolish the hotel, a personal notice was supposed to be given to chief ajah and from the question the governor did not give a notice. Note that warnings are not regarded as a notice. See ononuju v ag anambra state. Under the constitution every person has a right to own property. the governor stripped chief ajah of his right to own property in accordance with the constitution

In conclusion,chief ajah has a valid claim to seek redress. I would advice chief ajah to sue for damages for the demolishing of his hotel.